

NATIONAL AFFAIRS

Crimes Against Nature

Bush is sabotaging the laws that have protected America's environment for more than thirty years

By Robert F. Kennedy Jr.



Illustration by Marco Ventura

George W. Bush will go down in history as America's worst environmental president. In a ferocious three-year attack, the Bush administration has initiated more than 200 major rollbacks of America's environmental laws, weakening the protection of our country's air, water, public lands and wildlife. Cloaked in meticulously crafted language designed to deceive the public, the administration intends to eliminate the nation's most important environmental laws by the end of the year. Under the guidance of Republican pollster Frank Luntz, the Bush White House has actively hidden its anti-environmental program behind deceptive rhetoric, telegenic spokespeople, secrecy and the intimidation of scientists and bureaucrats. The Bush attack was not entirely unexpected. George W. Bush had the grimmest environmental record of any governor during his tenure in Texas. Texas became number one in air and water pollution and in the release of toxic chemicals. In his six years in Austin, he championed a short-term pollution-based prosperity, which enriched his political contributors and corporate cronies by lowering the quality of life

for everyone else. Now President Bush is set to do the same to America. After three years, his policies are already bearing fruit, diminishing standards of living for millions of Americans.

I am angry both as a citizen and a father. Three of my sons have asthma, and I watch them struggle to breathe on bad-air days. And they're comparatively lucky: One in four African-American children in New York shares this affliction; their suffering is often unrelieved because they lack the insurance and high-quality health care that keep my sons alive. My kids are among the millions of Americans who cannot enjoy the seminal American experience of fishing locally with their dad and eating their catch. Most freshwater fish in New York and all in Connecticut are now under consumption advisories. A main source of mercury pollution in America, as well as asthma-provoking ozone and particulates, is the coal-burning power plants that President Bush recently excused from complying with the Clean Air Act.

Furthermore, the deadly addiction to fossil fuels that White House policies encourage has squandered our treasury, entangled us in foreign wars, diminished our international prestige, made us a target for terrorist attacks and increased our reliance on petty Middle Eastern dictators who despise democracy and are hated by their own people.

When the Republican right managed to install George W. Bush as president in 2000, movement leaders once again set about doing what they had attempted to do since the Reagan years: eviscerate the infrastructure of laws and regulations that protect the environment. For twenty-five years it has been like the zombie that keeps coming back from the grave.

The attacks began on Inauguration Day, when President Bush's chief of staff and former General Motors lobbyist Andrew Card quietly initiated a moratorium on all recently adopted regulations. Since then, the White House has enlisted every federal agency that oversees environmental programs in a coordinated effort to relax rules aimed at the oil, coal, logging, mining and chemical industries as well as automakers, real estate developers, corporate agribusiness and other industries.

Bush's Environmental Protection Agency has halted work on sixty-two environmental standards, the Food and Drug Administration has stopped work on fifty-seven standards. The EPA completed just two major rules -- both under court order and both watered down at industry request -- compared to twenty-three completed by the Clinton administration and fourteen by the Bush Sr. administration in their first two years.

This onslaught is being coordinated through the White House Office of Management and Budget -- or, more precisely, OMB's Office of Information and Regulatory Affairs, under the direction of John Graham, the engine-room mechanic of the Bush stealth strategy. Graham's specialty is promoting changes in scientific and economic assumptions that underlie government regulations -- such as recalculating cost-benefit analyses to favor polluters. Before coming to the White House, Graham was the founding director of the Harvard Center for Risk Analysis, where he received funding from America's champion corporate polluters: Dow Chemical, DuPont, Monsanto, Alcoa, Exxon, General Electric and General Motors.

Under the White House's guidance, the very agencies entrusted to protect Americans from polluters are laboring to destroy environmental laws. Or they've simply stopped enforcing them. Penalties imposed for environmental violations have plummeted under Bush. The EPA has proposed eliminating 270 enforcement staffers, which would drop staff levels to the lowest level ever. Inspections of polluting businesses have dipped fifteen percent. Criminal cases referred for federal prosecution have dropped forty percent. The EPA measures its success by the amount of pollution reduced or prevented as a result of its own actions. Last year, the EPA's two most senior career enforcement officials resigned after decades of service. They cited the administration's refusal to carry out environmental laws.

The White House has masked its attacks with euphemisms that would have embarrassed George Orwell. George W. Bush's "Healthy Forests" initiative promotes destructive logging of old-growth forests. His "Clear Skies" program, which repealed key provisions of the Clean Air Act, allows more emissions. The administration uses misleading code words such as *streamlining* or *reforming* instead of *weakening*, and *thinning* instead of *logging*.

In a March 2003 memo to Republican leadership, pollster Frank Luntz frankly outlined the White House strategy on energy and the environment: "The environment is probably the single issue on which Republicans in general and President Bush in particular are most vulnerable," he wrote, cautioning that the public views Republicans as being "in the pockets of corporate fat cats who rub their hands together and chuckle maniacally as they plot to pollute America for fun and profit." Luntz warned, "Not only do we risk losing the swing vote, but our suburban female base could abandon us as well." He recommended that Republicans don the sheep's clothing of environmental rhetoric while dismantling environmental laws.

I prosecute polluters on behalf of the Natural Resources Defense Council, Riverkeeper and Waterkeeper Alliance. As George W. Bush began his presidency, I was involved in litigation against the factory-pork industry, which is a large source of air and water pollution in America. Corporate pork factories cannot produce more efficiently than traditional family farmers without violating several federal environmental statutes. Industrial farms illegally dump millions of tons of untreated fecal and toxic waste onto land and into the air and water. Factory farms have contaminated hundreds of miles of waterways, put tens of thousands of family farmers and fishermen out of work, killed billions of fish, sickened consumers and subjected millions of farm animals to unspeakable cruelty.

On behalf of several farm groups and fishermen, we sued Smithfield Foods and won a decision that suggested that almost all of American factory farms were violating the Clean Water Act. The Clinton EPA had also brought its own parallel suits addressing chronic air and water violations by hog factories. But almost immediately after taking office, the Bush administration ordered the EPA to halt its Clean Air Act investigations of animal factories and weaken the water rules to allow them to continue polluting indefinitely.

Several of my other national cases were similarly derailed. Eleven years ago, I sued the EPA to stop massive fish kills at power plants. Using antiquated technology, power plants often suck up the entire fresh water volume

of large rivers, killing obscene numbers of fish. Just one facility, the Salem nuclear plant in New Jersey, kills more than 3 billion Delaware River fish each year, according to Martin Marietta, the plant's own consultant. These fish kills are illegal, and in 2001 we finally won our case. A federal judge ordered the EPA to issue regulations restricting power-plant fish kills. But soon after President Bush's inauguration, the administration replaced the proposed new rule with clever regulations designed to allow the slaughter to continue unabated. The new administration also trumped court decisions that would have enforced greater degrees of wetlands protection and forbidden coal moguls from blasting off whole mountaintops to get at the coal beneath.

The fishermen I represent are traditionally Republican. But, without exception, they see this administration as the largest threat not just to their livelihoods but to their values and their idea of what it means to be American. "Why," they'll ask, "is the president allowing coal, oil, power and automotive interests to fix the game?"

Back to the Dark Ages

George w. Bush seems to be trying to take us all the way back to the Dark Ages by undermining the very principles of our environmental rights, which civilized nations have always recognized. Ancient Rome's Code of Justinian guaranteed the use to all citizens of the "public trust" or commons -- those shared resources that cannot be reduced to private property -- the air, flowing water, public lands, wandering animals, fisheries, wetlands and aquifers.

When Roman law broke down in Europe during the Dark Ages, feudal kings began to privatize the commons. In the early thirteenth century, when King John also attempted to sell off England's fisheries and erect navigational tolls on the Thames, his subjects rose up and confronted him at Runnymede, forcing him to sign the Magna Carta, which includes provisions guaranteeing the rights of free access to fisheries and waters.

Clean-air laws in England, passed in the fourteenth century, made it a capital offense to burn coal in London, and violators were executed for the crime. These "public trust" rights to unspoiled air, water and wildlife descended to the people of the United States following the American Revolution. Until 1870, a factory releasing even small amounts of smoke onto public or private property was operating illegally.

But during the Gilded Age, when the corporate robber barons captured the political and judicial systems, those rights were stolen from the American people. As the Industrial Revolution morphed into the postwar industrial boom, Americans found themselves paying a high price for the resulting pollution. The wake-up call came in the late Sixties, when Lake Erie was declared dead and Cleveland's Cuyahoga River exploded in colossal infernos.

In 1970, more than 20 million Americans took to the streets protesting the state of the environment on the first Earth Day. Whether they knew it or not, they were demanding a return of ancient rights.

During the next few years, Congress passed twenty-eight major environmental statutes, including the Clean Air Act, the Clean Water Act and the Endangered Species Act, and it created the Environmental Protection Agency to apply and enforce these new laws. Polluters would be held accountable; those planning to use the commons would have to compile environmental-impact statements and hold public hearings; citizens were given the power to prosecute environmental crimes. Right-to-know and toxic-inventory laws made government and industry more transparent on the local level and our nation more democratic. Even the most vulnerable Americans could now participate in the dialogue that determines the destinies of their communities.

Earth Day caught polluters off guard. But in the next thirty years, they mounted an increasingly sophisticated and aggressive counterattack to undermine these laws. The Bush administration is a culmination of their three-decade campaign.

Strangling the Environment

In 1980, candidate Ronald Reagan declared, "I am a Sagebrush Rebel," marking a major turning point of the modern anti-environmental movement. In the early 1980s, the Western extractive industries, led by one of Colorado's worst polluters, brewer Joseph Coors, organized the Sagebrush Rebellion, a coalition of industry money and right-wing ideologues that helped elect Reagan president.

The big polluters who started the Sagebrush Rebellion were successful because they managed to broaden their

constituency with anti-regulatory, anti-labor and anti-environmental rhetoric that had great appeal both among Christian fundamentalist leaders such as Jerry Falwell and Pat Robertson, and in certain Western communities where hostility to government is deeply rooted. Big polluters found that they could organize this discontent into a potent political force that possessed the two ingredients of power in American democracy: money and intensity. Meanwhile, innovations in direct-mail and computer technologies gave this alliance of dark populists and polluters a deafening voice in American government.

Coors founded the Mountain States Legal Foundation in 1976 to bring lawsuits designed to enrich giant corporations, limit civil rights and attack unions, homosexuals and minorities. He also founded the right-wing Heritage Foundation, to provide a philosophical underpinning for the anti-environmental movement. While the foundation and its imitators -- the Competitive Enterprise Institute, the American Enterprise Institute, the Reason Foundation, the Federalist Society, the Marshall Institute and others -- claim to advocate free markets and property rights, their agenda is more pro-pollution than anything else.

From its conception, the Heritage Foundation and its neoconservative cronies urged followers to "strangle the environmental movement," which Heritage named "the greatest single threat to the American economy." Ronald Reagan's victory gave Heritage Foundation and the Mountain States Legal Foundation immeasurable clout. Heritage became known as Reagan's "shadow government," and its 2,000-page manifesto, "Mandate for Change," became a blueprint for his administration. Coors handpicked his Colorado associates: Anne Gorsuch became the EPA administrator; her husband, Robert Burford, a cattle baron who had vowed to destroy the Bureau of Land Management, was selected to head that very agency. Most notorious, Coors chose James Watt, president of the Mountain States Legal Foundation, as the secretary of the interior. Watt was a proponent of "dominion theology," an authoritarian Christian heresy that advocates man's duty to "subdue" nature. His deep faith in laissez-faire capitalism and apocalyptic Christianity led Secretary Watt to set about dismantling his department and distributing its assets rather than managing them for future generations. During a Senate hearing, he cited the approaching Apocalypse to explain why he was giving away America's sacred places at fire-sale prices: "I do not know how many future generations we can count on before the Lord returns."

Meanwhile, Anne Gorsuch enthusiastically gutted EPA's budget by sixty percent, crippling its ability to write regulations or enforce the law. She appointed lobbyists fresh from their hitches with the paper, asbestos, chemical and oil companies to run each of the principal agency departments. Her chief counsel was an Exxon lawyer; her head of enforcement was from General Motors.

These attacks on the environment precipitated a public revolt. By 1983, more than a million Americans and all 125 American-Indian tribes had signed a petition demanding Watt's removal. After being forced out of office, Watt was indicted on twenty-five felony counts of influence-pedaling. Gorsuch and twenty-three of her cronies were forced to resign following a congressional investigation of sweetheart deals with polluters, including Coors. Her first deputy, Rita Lavelle, was jailed for perjury.

The indictments and resignations put a temporary damper on the Sagebrush Rebels, but they quickly regrouped as the "Wise Use" movement. Wise Use founder, the timber-industry flack Ron Arnold, said, "Our goal is to destroy, to eradicate the environmental movement. We want to be able to exploit the environment for private gain, absolutely."

By 1994, Wise Use helped propel Newt Gingrich to the speaker's chair of the U.S. House of Representatives and turn his anti-environmental manifesto, "The Contract With America," into law. Gingrich's chief of environmental policy was Rep. Tom DeLay, the one-time Houston exterminator who was determined to rid the world of pesky pesticide regulations and to promote a biblical worldview. He targeted the Endangered Species Act as the second-greatest threat to Texas after illegal aliens. He also wanted to legalize the deadly pesticide DDT, and he routinely referred to the EPA as "the Gestapo of government." In January 1995, DeLay invited a group of 350 lobbyists representing some of America's biggest polluters to collaborate in drafting legislation to dismantle federal health, safety and environmental laws.

Gingrich and DeLay had learned from the James Watt debacle that they had to conceal their radical agenda. Carefully eschewing public debates on their initiatives, they mounted a stealth attack on America's environmental laws. Rather than pursue a frontal assault against popular statutes such as the Endangered Species, Clean Water and Clean Air acts, they tried to undermine these laws by attaching silent riders to must-pass budget bills.

But the public got wise. Moderate Republicans teamed up with the Clinton administration to block the worst of it. My group, the NRDC, as well as the Sierra Club and the U.S. Public Interest Research Group, generated more than 1 million letters to Congress. When President Clinton shut down the government in December 1995 rather than pass a budget bill spangled with anti-environmental riders, the tide turned against Gingrich and DeLay. By the end of that month, even conservatives disavowed the attack. "We lost the battle on the environment," DeLay conceded.

Undermining the Scientists

Today, with the presidency and both houses of Congress under the anti-environmentalists' control, they are set to eviscerate the despised laws. White House strategy is to promote its unpopular policies by lying about its agenda, cheating on the science and stealing the language and rhetoric of the environmental movement.

Even as Republican pollster Luntz acknowledged that the scientific evidence is against the Republicans on issues like global warming, he advised them to find scientists willing to hoodwink the public. "You need to continue to make the lack of scientific certainty a primary issue," he told Republicans, "by becoming even more active in recruiting experts sympathetic to your view."

In the meantime, he urged them to change their rhetoric. " 'Climate change,' " he said, "is less threatening than 'global warming.' " While global warming has catastrophic connotations attached to it, climate change suggests a more controllable and less emotional challenge."

The EPA's inspector general received broad attention for his August 21st, 2003, finding that the White House pressured the agency to conceal the public-health risks from poisoned air following the September 11th World Trade Center attacks. But this 2001 deception is only one example of the administration's pattern of strategic distortion. Earlier this year, it suppressed an EPA report warning that millions of Americans, especially children, are being poisoned by mercury from industrial sources.

This behavior is consistent throughout the Bush government. Consider the story of James Zahn, a scientist at the Department of Agriculture who resigned after the Bush administration suppressed his taxpayer-funded study proving that billions of antibiotic-resistant bacteria can be carried daily across property lines from meat factories into neighboring homes and farms. In March 2002, Zahn accepted my invitation to present his findings to a convention of family-farm advocates in Iowa. Several weeks before the April conference, pork-industry lobbyists learned of his appearance and persuaded the Department of Agriculture to forbid him from appearing. Zahn told me he had been ordered to cancel a dozen appearances at county health departments and similar venues.

In May, the White House blocked the EPA staff from publicly discussing contamination by the chemical perchlorate -- the main ingredient in solid rocket fuel. The administration froze federal regulations on perchlorate, even as new research reveals alarmingly high levels of the chemical in the nation's drinking water and food supply, including many grocery-store lettuces. Perchlorate pollution has been linked to neurological problems, cancer and other life-threatening illnesses in some twenty states. The Pentagon and several defense contractors face billions of dollars in potential cleanup liability.

The administration's leading expert in manipulating scientific data is Interior Secretary Gale Norton. During her nomination hearings, Norton promised not to ideologically slant agency science. But as her friend Thomas Sansonetti, a coal- industry lobbyist who is now assistant attorney general, predicted, "There won't be any biologists or botanists to come in and pull the wool over her eyes."

In autumn 2001, Secretary Norton provided the Senate Committee on Energy and Natural Resources with her agency's scientific assessment that Arctic oil drilling would not harm hundreds of thousands of caribou. Not long afterward, Fish and Wildlife Service biologists contacted the Public Employees for Environmental Responsibility, which defends scientists and other professionals working in state and federal environmental agencies. "The scientists provided us the science that they had submitted to Norton and the altered version that she had given to Congress a week later," said the group's executive director, Jeff Ruch. There were seventeen major substantive changes, all of them minimizing the reported impacts. When Norton was asked about the alterations in October 2001, she dismissed them as typographical errors.

Later, she and White House political adviser Karl Rove forced National Marine Fisheries scientists to alter

findings on the amount of water required for the survival of salmon in Oregon's Klamath River, to ensure that large corporate farms got a bigger share of the river water. As a result, more than 33,000 chinook and coho salmon died -- the largest fish kill in the history of America. Mike Kelly, the biologist who drafted the original opinion (and who has since been awarded federal whistle-blower status), told me that the coho salmon is probably headed for extinction. "Morale is low among scientists here," Kelly says. "We are under pressure to get the right results. This administration is putting the species at risk for political gain -- and not just in the Klamath."

Norton has also ordered the rewriting of an exhaustive twelve-year study by federal biologists detailing the effects that Arctic drilling would have on populations of musk oxen and snow geese. She reissued the biologists' report two weeks later as a two-page paper showing no negative impact to wildlife. She also ordered suppression of two studies by the Fish and Wildlife Service concluding that the drilling would threaten polar-bear populations and violate the international treaty protecting bears. She then instructed the Fish and Wildlife Service to redo the report to "reflect the Interior Department's position." She suppressed findings that mountaintop mining would cause "tremendous destruction of aquatic and terrestrial habitat" and a Park Service report that found that snowmobiles were hurting Yellowstone's air quality, wildlife and the health of its visitors and employees.

Norton's Fish and Wildlife Service is the first ever not to voluntarily list a single species as endangered or threatened. Her officials have blackballed scientists and savaged studies to avoid listing the trumpeter swan, revoke the listing of the grizzly bear and shrink the remnant habitat for the Florida panther. She disbanded the service's oldest scientific advisory committee in order to halt protection of desert fish in Arizona, New Mexico and Texas that are headed for extinction. Interior career staffers and scientists say they are monitored by Norton's industry appointees to ensure that future studies do not conflict with industry profit-making.

Cooking the Books on Global Warming

There is no scientific debate in which the White House has cooked the books more than that of global warming. In the past two years the Bush administration has altered, suppressed or attempted to discredit close to a dozen major reports on the subject. These include a ten-year peer-reviewed study by the International Panel on Climate Change, commissioned by the president's father in 1993 in his own efforts to dodge what was already a virtual scientific consensus blaming industrial emissions for global warming.

After disavowing the Kyoto Protocol, the Bush administration commissioned the federal government's National Academy of Sciences to find holes in the IPCC analysis. But this ploy backfired. The NAS not only confirmed the existence of global warming and its connection to industrial greenhouse gases, it also predicted that the effects of climate change would be worse than previously believed, estimating that global temperatures will rise between 2.5 and 10.4 degrees by 2100.

A May 2002 report by scientists from the EPA, NASA and the National Oceanic and Atmospheric Administration, approved by Bush appointees at the Council on Environmental Quality and submitted to the United Nations by the U.S., predicted similarly catastrophic impacts. When confronted with the findings, Bush dismissed it with his smirking condemnation: "I've read the report put out by the bureaucracy. . . ."

Afterward, the White House acknowledged that, in fact, he hadn't. Having failed to discredit the report with this untruth, George W. did what his father had done: He promised to study the problem some more. Last fall, the White House announced the creation of the Climate Research Initiative to study global warming. The earliest results are due next fall. But the White House's draft plan for CRI was derided by the NAS in February as a rehash of old studies and established science lacking "most elements of a strategic plan."

In September 2002, administration censors released the annual EPA report on air pollution without the agency's usual update on global warming, that section having been deleted by Bush appointees at the White House. On June 19th, 2003, a "State of the Environment" report commissioned by the EPA in 2001 was released after language about global warming was excised by flat-earthers in the White House. The redacted studies had included a 2001 report by the National Research Council, commissioned by the White House. In their place was a piece of propaganda financed by the American Petroleum Institute challenging these conclusions.

This past July, EPA scientists leaked a study, which the agency had ordered suppressed in May, showing that a

Senate plan -- co-sponsored by Republican Sen. John McCain -- to reduce the pollution that causes global warming could achieve its goal at very small cost. Bush reacted by launching a \$100 million ten-year effort to prove that global temperature changes have, in fact, occurred naturally, another delay tactic for the fossil-fuel barons at taxpayer expense.

Princeton geo-scientist Michael Oppenheimer told me, "This administration likes to emphasize what we don't know while ignoring or minimizing what we do know, which is a prescription for paralysis on policy. It's hard to imagine what kind of scientific evidence would suffice to convince the White House to take firm action on global warming."

Across the board, the administration yields to Big Energy. At the request of ExxonMobil, and with the help of a lobbying group working for coal-burning utility Southern Co., the Bush administration orchestrated the removal of U.S. scientist Robert Watson, the world-renowned former NASA atmospheric chemist who headed the United Nations' IPCC. He was replaced by a little-known scientist from New Delhi, India, who would be generally unavailable for congressional hearings.

The Bush administration now plans to contract out thousands of environmental-science jobs to compliant industry consultants already in the habit of massaging data to support corporate profit-taking, effectively making federal science an arm of Karl Rove's political machine. The very ideologues who derided Bill Clinton as a liar have institutionalized dishonesty and made it the reigning culture of America's federal agencies. "At its worst," Oppenheimer says, "this approach represents a serious erosion in the way a democracy deals with science."

Inside the Cheney Task Force

There is no better example of the corporate cronyism now hijacking American democracy than the White House's cozy relationship with the energy industry. It's hard to find anyone on Bush's staff who does not have extensive corporate connections, but fossil-fuel executives rule the roost. The energy industry contributed more than \$48.3 million to Republicans in the 2000 election cycle, with \$3 million to Bush. Now the investment has matured. Both Bush and Cheney came out of the oil patch. Thirty-one of the Bush transition team's forty-eight members had energy-industry ties. Bush's cabinet and White House staff is an energy-industry dream team -- four cabinet secretaries, the six most powerful White House officials and more than twenty high-level appointees are alumni of the industry and its allies (see "Bush's Energy-Industry All-Stars," on Page 183).

The potential for corruption is staggering. Take the case of J. Steven Griles, deputy secretary of the Interior Department. During the first Reagan administration, Griles worked directly under James Watt at Interior, where he helped the coal industry evade prohibitions against mountaintop-removal strip mining. In 1989, Griles left government to work as a mining executive and then as a lobbyist with National Environmental Strategies, a Washington, D.C., firm that represented the National Mining Association and Dominion Resources, one of the nation's largest power producers. When Griles got his new job at Interior, the National Mining Association hailed him as "an ally of the industry."

It's bad enough that a former mining lobbyist was put in charge of regulating mining on public land. But it turns out that Griles is still on the industry's payroll. In 2001, he sold his client base to his partner Marc Himmelstein for four annual payments of \$284,000, making Griles, in effect, a continuing partner in the firm.

Because Griles was an oil and mining lobbyist, the Senate made him agree in writing that he would avoid contact with his former clients as a condition of his confirmation. Griles has nevertheless repeatedly met with former coal clients to discuss new rules allowing mountaintop mining in Appalachia and destructive coal-bed methane drilling in Wyoming. He also met with his former oil clients about offshore leases. These meetings prompted Sen. Joseph Lieberman to ask the Interior Department to investigate Griles. With Republicans in control of congressional committees, no subpoenas have interrupted the Griles scandals.

With its operatives in place, the Bush energy plan became an orgy of industry plunder. Days after his inauguration, Bush launched the National Energy Policy Development Group, chaired by Cheney. For three months, the task force held closed-door meetings with energy-industry representatives - then refused to disclose the names of the participants.

For the first time in history, the nonpartisan General Accounting Office sued the executive branch, for access to these records. NRDC put in a Freedom of Information Act request, and when Cheney did not respond, we also sued. On February 21st, 2002, U.S. District Judge Gladys Kessler ordered Energy Secretary Spencer Abraham and other agency officials to turn over the records relating to their participation in the work of the energy task force. Under this court order, NRDC has obtained some 20,000 documents. Although none of the logs on the vice president's meetings have been released yet and the pages were heavily redacted to prevent disclosure of useful information, the documents still allow glimpses of the process.

The task force comprised Cabinet secretaries and other high-level administration officials with energy-industry pedigrees. The undisputed leader was Cheney, who hails from Wyoming, the nation's largest coal producer, and who, for six previous years, was CEO of Halliburton, the oil-service company. Treasury Secretary Paul O'Neill was chairman of the Aluminum Company of America for thirteen years. Aluminum-industry profits are directly related to energy prices. O'Neill promised to immediately sell his extensive stock holdings in his former company (worth more than \$100 million) to avoid conflicts of interest, but he delayed the sale until after the energy plan was released. By then, thanks partly to the administration's energy policies, Alcoa's stock had risen thirty percent. Energy Secretary Abraham, a former one-term senator from Michigan, received \$700,000 from the auto industry in his losing 2000 campaign, more than any other Senate candidate. At Energy, Abraham led the administration effort to scuttle fuel-economy standards, allow SUVs to escape fuel-efficiency minimums and create obscene tax incentives for Americans to buy the largest gas guzzlers.

Joe Allbaugh, director of the Federal Energy Regulatory Commission, sat next to Abraham on the task force. Allbaugh's wife, Diane, is an energy-industry lobbyist and represents three firms -- Reliant Energy, Entergy and TXU, each of which paid her \$20,000 in the three months of the task force's deliberation. Joe Allbaugh participated in task-force meetings on issues directly affecting those companies, including debates about environmental rules for power plants and -- his wife's specialty -- electricity deregulation.

Commerce Secretary Don Evans, an old friend of the president from their early days in the oil business, was CEO of Tom Brown Inc., a Denver oil-and-gas company, and a trustee of another drilling firm. Interior Secretary Gale Norton, a mining-industry lawyer, accepted nearly \$800,000 from the energy industry during her 1996 run in Colorado for the U.S. Senate.

In the winter and spring of 2001, executives and lobbyists from the oil, coal, electric-utility and nuclear industries tramped in and out of the Cabinet room and Cheney's office. Many of the lobbyists had just left posts inside Bush's presidential campaign to work for companies that had donated lavishly to that effort. Companies that made large contributions were given special access. Executives from Enron Corp., which contributed \$2.5 million to the GOP from 1999 to 2002, had contact with the task force at least ten times, including six face-to-face meetings between top officials and Cheney.

After one meeting with Enron CEO Kenneth Lay, Cheney dismissed California Gov. Gray Davis' request to cap the state's energy prices. That denial would enrich Enron and nearly bankrupt California. It has since emerged that the state's energy crisis was largely engineered by Enron. According to the New York Times, the task-force staff circulated a memo that suggested "utilizing" the crisis to justify expanded oil and gas drilling. President Bush and others would cite the California crisis to call for drilling in the Arctic National Wildlife Refuge.

Energy companies that had not ponied up remained under pressure to give to Republicans. When Westar Energy's chief executive was indicted for fraud, investigators found an e-mail written by Westar executives describing solicitations by Republican politicians for a political action committee controlled by Tom DeLay as the price for a "seat at the table" with the task force.

Task-force members began each meeting with industry lobbyists by announcing that the session was off the record and that participants were to share no documents. A National Mining Association official told reporters that the industry managed to control the energy plan by keeping the process secret. "We've probably had as much input as anybody else in town," he said. "I have to take my hat off to them -- they've been able to keep a lid on it."

When it was suggested that access to the administration was for sale, Cheney hardly apologized. "Just because somebody makes a campaign contribution doesn't mean that they should be denied the opportunity to express their view to government officials," he said. Although they met with hundreds of industry officials, Cheney and Abraham refused to meet with any environmental groups. Cheney made one exception to the secrecy policy: On

May 15th, 2001, the day before the task force sent its plan to the president, CEOs from wind-, solar- and geothermal-energy companies were granted a short meeting with Cheney. Afterward, they were led into the Rose Garden for a press conference and a photo op.

While peddling influence to energy tycoons, the White House quietly dropped criminal and civil charges against Koch Industries, America's largest privately held oil company. Koch faced a ninety-seven-count federal felony indictment and \$357 million in fines for knowingly releasing ninety metric tons of carcinogenic benzene and concealing the releases from federal regulators. Koch executives contributed \$800,000 to Bush's presidential campaign and to other top Republicans.

Last March, the Federal Trade Commission dropped a Clinton-era investigation of price gouging by the oil and gas industries, even as Duke Energy, a principal target of the probe, admitted to selling electricity in California for more than double the highest previously reported price. The Bush administration said that the industry deserved a "gentler approach." Administration officials also winked at a scam involving a half-dozen oil companies cheating the government out of \$100 million per year in royalty payments.

Southern Co. was among the most adept advocates for its own self-interest. The company, which contributed \$1.6 million to Republicans from 1999 to 2002, met with Cheney's task force seven times. Faced with a series of EPA prosecutions at power plants violating air-quality standards, the company retained Haley Barbour, former Republican National Committee chairman and now governor-elect of Mississippi, to lobby the administration to ignore Southern's violations.

The White House then forced the Justice Department to drop the prosecution. Justice lawyers were "astounded" that the administration would interfere in a law-enforcement matter that was "supposed to be out of bounds from politics." The EPA's chief enforcement officer, Eric Schaeffer, resigned. "With the Bush administration, whether or not environmental laws are enforced depends on who you know," Schaeffer told me. "If you've got a good lobbyist, you can just buy your way out of trouble."

Along with Barbour, Southern retained current Republican National Committee chairman and former Montana Gov. Marc Racicot. Barbour and Racicot repeatedly conferred with Abraham and Cheney, urging them to ease limits on carbon-dioxide pollution from power plants and to gut the Clean Air Act. On May 17th, 2001, the White House released its energy plan. Among the recommendations were exempting old power plants from Clean Air Act compliance and adopting Barbour's arguments about carbon-dioxide restrictions. Barbour repaid the favor that week by raising \$250,000 at a May 21st GOP gala honoring Bush. Southern donated \$150,000 to the effort.

Cheney's task force had at least nineteen contacts with officials from the nuclear-energy industry -- whose trade association, the Nuclear Energy Institute, donated \$100,000 to the Bush inauguration gala and \$437,000 to Republicans from 1999 to 2002. The report recommended loosening environmental controls on the industry, reducing public participation in the siting of nuclear plants and adding billions of dollars in subsidies for the nuclear industry.

Cheney wasn't embarrassed to reward his old cronies at Halliburton, either. The final draft of the task-force report praises a gas-recovery technique controlled by Halliburton -- even though an earlier draft had criticized the technology. The technique, which has been linked to the contamination of aquifers, is currently being investigated by the EPA. Somehow, that got edited out of the report.

Big Coal and the Destruction of Appalachia

Coal companies enjoyed perhaps the biggest payoff. At the West Virginia Coal Association's annual conference in May 2002, president William D. Raney assured 150 industry moguls, "You did everything you could to elect a Republican president." Now, he said, "you are already seeing in his actions the payback."

Peabody Energy, the world's largest coal company and a major contributor to the Bush campaign, was one of the first to cash in. Immediately after his inauguration, Bush appointed two executives from Peabody and one from its Black Beauty subsidiary to his energy advisory team.

When the task force released its final report, it recommended accelerating coal production and spending \$2 billion in federal subsidies for research to make coal-fired electricity cleaner. Five days later, Peabody issued a

public-stock offering, raising \$60 million more than analysts had predicted. Company vice president Fred Palmer credited the Bush administration. "I am sure it affected the valuation of the stock," he told the *Los Angeles Times*.

Peabody also wanted to build the largest coal-fired power plant in thirty years upwind of Mammoth Cave National Park in Kentucky, a designated UNESCO World Heritage site and International Biosphere Reserve. With arm-twisting from Deputy Interior Secretary Steven Griles and another \$450,000 in GOP contributions, Peabody got what it wanted. A study on the air impacts was suppressed, and park scientists who feared that several endangered species might go extinct due to mercury and acid-rain deposits were silenced.

At the Senate's request, Griles had signed a "statement of disqualification" on August 1st, 2001, committing himself to avoiding issues affecting his former clients. Three days later, he nevertheless appeared before the West Virginia Coal Association and promised executives that "we will fix the federal rules very soon on water and soil placement." That was fancy language for pushing whole mountaintops into valleys, a practice worth billions to the industry. As a Reagan official, Griles helped devise the practice, which a federal court declared illegal in 2002, after 1,200 miles of streambeds had been filled and 380,000 acres of Appalachian forestlands had been rendered barren moonscapes.

Now Griles was promising his former coal clients he would fix these rules. In May 2002, the EPA and the Army Corps of Engineers adopted the language recommended by his former client, the National Mining Association. Had Griles not intervened, the practice of mountaintop-removal mining would have been severely restricted. Griles also pushed EPA deputy administrator Linda Fisher to overrule career personnel in the agency's Denver office who had given a devastating assessment to a proposal to produce coal-bed methane gas in the Powder River basin in Wyoming. Although Griles had recused himself from any discussion of this subject because it would directly enrich his former clients, he worked aggressively behind the scenes on behalf of a proposal to build 51,000 wells. The project will require 26,000 miles of new roads and 48,000 miles of pipeline, and will foul pristine landscapes with trillions of gallons of toxic wastewater.

Blueprint for Plunder

The energy-task-force plan is a \$20 billion subsidy to the oil, coal and nuclear industries, which are already swimming in record revenues. In May 2003, as the House passed the plan and as the rest of the nation stagnated in a recession abetted by high oil prices, Exxon announced that its profits had tripled from the previous quarter's record earnings. The energy plan recommends opening protected lands and waters to oil and gas drilling and building up to 1,900 electric-power plants. National treasures such as the California and Florida coasts, the Arctic National Wildlife Refuge and the areas around Yellowstone Park will be opened for plunder for the trivial amounts of fossil fuels that they contain. While increasing reliance on oil, coal and nuclear power, the plan cuts the budget for research into energy efficiency and alternative power sources by nearly a third. "Conservation may be a sign of personal virtue," Cheney explained, but it should not be the basis of "comprehensive energy policy."

As if to prove that point, Republicans simultaneously eliminated the tax credit that had encouraged Americans to buy gas-saving hybrid cars, and weakened efficiency standards for everything from air conditioners to automobiles. They also created an obscene \$100,000 tax break for Hummers and the thirty-eight biggest gas guzzlers. Then, adding insult to injury, the Energy Department robbed \$135,615 from the anemic solar, renewables and energy-conservation budget to produce 10,000 copies of the White House's energy plan.

To lobby for the plan, more than 400 industry groups enlisted in the Alliance for Energy and Economic Growth, a coalition created by oil, mining and nuclear interests and guided by the White House. It cost \$5,000 to join, "a very low price," according to Republican lobbyist Wayne Valis. The prerequisite for joining, he wrote in a memo, was that members "must agree to support the Bush energy proposal in its entirety and not lobby for changes." Within two months, members had contributed more than \$1 million. The price for disloyalty was expulsion from the coalition and possible reprisal by the administration. "I have been advised," wrote Valis, "that this White House 'will have a long memory.' "

The plan represents a massive transfer of wealth from the public to the energy sector. Indeed, Bush views his massive tax cuts as a way of helping Americans pay for inflated energy bills. "If I had my way," he declared, "I'd have [the tax cuts] in place tomorrow so that people would have money in their pockets to deal with high energy prices."

Looting the Commons

Although congress will have its final vote on the plan in November, the White House has already devised ways to implement most of its worst provisions without congressional interference. In October 2001, the administration removed the Interior Department's power to veto mining permits, even if the mining would cause "substantial and irreparable harm" to the environment. That December, Bush and congressional Republicans passed an "economic-stimulus package" that proposed \$2.4 billion worth of tax breaks, credits and loopholes for Chevron, Texaco, Enron and General Electric. The following February, the White House announced it would abandon regulations for three major pollutants -- mercury, sulfur dioxide and nitrogen oxide.

Early in the Bush administration, Vice President Cheney had solicited an industry wish list from the United States Energy Association, the lobbying arm for trade associations including the American Petroleum Institute, the National Mining Association, the Nuclear Energy Institute and the Edison Institute. The USEA responded by providing 105 specific recommendations from its members for plundering our natural resources and polluting America's air and water. In a speech to the group in June 2002, Energy Secretary Abraham reported that the administration had already implemented three-quarters of the industry's recommendations and predicted the rest would pass through Congress shortly.

On August 27th, 2002 -- while most of America was heading off for a Labor Day weekend -- the administration announced that it would redefine carbon dioxide, the primary cause of global warming, so that it would no longer be considered a pollutant and would therefore not be subject to regulation under the Clean Air Act. The next day, the White House repealed the act's "new source review" provision, which requires companies to modernize pollution control when they modify their plants.

According to the National Academy of Sciences, the White House rollback will cause 30,000 Americans to die prematurely each year. Although the regulation will probably be reversed in the courts, the damage will have been done, and power utilities such as Southern Co. will escape criminal prosecution. As soon as the new regulations were announced, John Pemberton, chief of staff to the EPA's assistant administrator for air, left the agency to work for Southern. The EPA's congressional office chief also left, to join Southern's lobbying shop, Bracewell, Patterson.

By summer 2003, the White House had become a virtual pi-ata for energy moguls. In August, the administration proposed limiting the authority of states to object to offshore-drilling decisions, and it ordered federal land managers across the West to ease environmental restrictions for oil and gas drilling in national forests. The White House also proposed removing federal protections for most American wetlands and streams. As an astounded Republican, Rep. Christopher Shays, told me, "It's almost like they want to alienate people who care about the environment, as if they believe that this will help them with their core."

EPA: From Bad to Worse

On August 30th, president bush nominated Utah's three-term Republican Gov. Mike Leavitt to replace his beleaguered EPA head, Christine Todd Whitman, who was driven from office, humiliated in even her paltry efforts to moderate the pillage. In October, Leavitt was confirmed by the Senate.

Like Gale Norton, Leavitt has a winning personality and a disastrous environmental record. Under his leadership, Utah tied for last as the state with the worst environmental enforcement record and ranked second-worst (behind Texas) for both air quality and toxic releases. As governor, Leavitt displayed the same contempt for science that has characterized the Bush administration. He fired more than seventy scientists employed by state agencies for producing studies that challenged his political agenda. He fired a state enforcement officer who penalized one of Leavitt's family fish farms for introducing whirling disease into Utah, devastating the state's wild-trout populations.

Leavitt has a penchant for backdoor deals to please corporate polluters. Last year he resurrected a frivolous and moribund Utah lawsuit against the Interior Department and then settled the suit behind closed doors without public involvement, stripping 6 million acres of wilderness protections. This track record does not reflect the independence, sense of stewardship and respect for science and law that most Americans have the right to expect in our nation's chief environmental guardian.

The Threat to Democracy

Generations of Americans will pay the Republican campaign debt to the energy industry with global instability, depleted national coffers and increased vulnerability to price shocks in the oil market.

They will also pay with reduced prosperity and quality of life at home. Pollution from power plants and traffic smog will continue to skyrocket. Carbon-dioxide emissions will aggravate global warming. Acid rain from Midwestern coal plants has already sterilized half the lakes in the Adirondacks and destroyed the forest cover in the high peaks of the Appalachian range up into Canada. The administration's attacks on science and the law have put something even greater at risk. Americans need to recognize that we are facing not just a threat to our environment but to our values, and to our democracy.

Growing up, I was taught that communism leads to dictatorship and capitalism to democracy. But as we've seen from the the Bush administration, the latter proposition does not always hold. While free markets tend to democratize a society, unfettered capitalism leads invariably to corporate control of government.

America's most visionary leaders have long warned against allowing corporate power to dominate the political landscape. In 1863, in the depths of the Civil War, Abraham Lincoln lamented, "I have the Confederacy before me and the bankers behind me, and I fear the bankers most." Franklin Roosevelt echoed that sentiment when he warned that "the liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic state itself. That, in its essence, is fascism -- ownership of government by an individual, by a group or by any controlling power."

Today, more than ever, it is critical for American citizens to understand the difference between the free-market capitalism that made our country great and the corporate cronyism that is now corrupting our political process, strangling democracy and devouring our national treasures.

Corporate capitalists do not want free markets, they want dependable profits, and their surest route is to crush competition by controlling government. The rise of fascism across Europe in the 1930s offers many informative lessons on how corporate power can undermine a democracy. In Spain, Germany and Italy, industrialists allied themselves with right-wing leaders who used the provocation of terrorist attacks, continual wars, and invocations of patriotism and homeland security to tame the press, muzzle criticism by opponents and turn government over to corporate control. Those governments tapped industrial executives to run ministries and poured government money into corporate coffers with lucrative contracts to prosecute wars and build infrastructure. They encouraged friendly corporations to swallow media outlets, and they enriched the wealthiest classes, privatized the commons and pared down constitutional rights, creating short-term prosperity through pollution-based profits and constant wars. Benito Mussolini's inside view of this process led him to complain that "fascism should really be called 'corporatism.' "

While the European democracies unraveled into fascism, America confronted the same devastating Depression by reaffirming its democracy. It enacted minimum-wage and Social Security laws to foster a middle class, passed income taxes and anti-trust legislation to limit the power of corporations and the wealthy, and commissioned parks, public lands and museums to create employment and safeguard the commons.

The best way to judge the effectiveness of a democracy is to measure how it allocates the goods of the land: Does the government protect the commonwealth on behalf of all the community members, or does it allow wealth and political clout to steal the commons from the people?

Today, George W. Bush and his court are treating our country as a grab bag for the robber barons, doling out the commons to large polluters. Last year, as the calamitous rollbacks multiplied, the corporate-owned TV networks devoted less than four percent of their news minutes to environmental stories. If they knew the truth, most Americans would share my fury that this president is allowing his corporate cronies to steal America from our children.

(From RS 937, December 11, 2003)

For more information on the Bush administration's environmental actions, see [The Bush Record](#) from NRDC, the

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